



General Assembly

January Session, 2013

Raised Bill No. 875

LCO No. 2926



Referred to Committee on EDUCATION

Introduced by:
(ED)

***AN ACT CONCERNING THE DONATION OF EQUIPMENT AND
SUPPLIES TO PUBLIC SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-235 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) Each board of education shall protect and save harmless any
4 member of such board or any teacher or other employee thereof or any
5 member of its supervisory or administrative staff, and the State Board
6 of Education, the Board of Regents for Higher Education, the board of
7 trustees of each state institution and each state agency which employs
8 any teacher, and the managing board of any public school, as defined
9 in section 10-183b, including the governing council of any charter
10 school, shall protect and save harmless any member of such boards, or
11 any teacher or other employee thereof or any member of its
12 supervisory or administrative staff employed by it, from financial loss
13 and expense, including legal fees and costs, if any, arising out of any
14 claim, demand, suit or judgment by reason of alleged negligence or
15 other act resulting in accidental bodily injury to or death of any

16 person, or in accidental damage to or destruction of property, within
17 or without the school building, or any other acts, including but not
18 limited to infringement of any person's civil rights, resulting in any
19 injury, which acts are not wanton, reckless or malicious, provided such
20 teacher, member or employee, at the time of the acts resulting in such
21 injury, damage or destruction, was acting in the discharge of his or her
22 duties or within the scope of employment or under the direction of
23 such board of education, the Board of Regents for Higher Education,
24 board of trustees, state agency, department or managing board;
25 provided that the provisions of this section shall not limit or otherwise
26 affect application of section 4-165 concerning immunity from personal
27 liability. For the purposes of this section, the terms "teacher" and "other
28 employee" shall include (1) any person who is a cooperating teacher,
29 teacher mentor or assessor pursuant to section 10-220a, (2) any student
30 teacher doing practice teaching under the direction of a teacher
31 employed by a local or regional board of education or by the State
32 Board of Education or Board of Regents for Higher Education, (3) any
33 student enrolled in a technical high school who is engaged in a
34 supervised health-related field placement program which constitutes
35 all or part of a course of instruction for credit by a technical high
36 school, provided such health-related field placement program is part
37 of the curriculum of such technical high school, and provided further
38 such course is a requirement for graduation or professional licensure
39 or certification, (4) any volunteer approved by a board of education to
40 carry out a duty prescribed by said board and under the direction of a
41 certificated staff member including any person, partnership, limited
42 liability company or corporation providing students with community-
43 based career education, (5) any volunteer approved by a board of
44 education to carry out the duties of a school bus safety monitor as
45 prescribed by said board, (6) any member of the faculty or staff or any
46 student employed by The University of Connecticut Health Center or
47 health services, (7) any student enrolled in a constituent unit of the
48 state system of higher education who is engaged in a supervised
49 program of field work or clinical practice which constitutes all or part

50 of a course of instruction for credit by a constituent unit, provided
51 such course of instruction is part of the curriculum of a constituent
52 unit, and provided further such course (i) is a requirement for an
53 academic degree or professional licensure or (ii) is offered by the
54 constituent unit in partial fulfillment of its accreditation obligations,
55 and (8) any student enrolled in a constituent unit of the state system of
56 higher education who is acting in the capacity of a member of a
57 student discipline committee established pursuant to section 4-188a.

58 (b) In addition to the protection provided under subsection (a) of
59 this section, each local and regional board of education and each
60 charter school shall protect and save harmless any member of such
61 local or regional board of education or charter school governing
62 council, or any teacher or other employee thereof or any member of its
63 supervisory or administrative staff from financial loss and expense,
64 including legal fees and costs, if any, arising out of any claim, demand
65 or suit instituted against such member, teacher or other employee by
66 reason of alleged malicious, wanton or wilful act or ultra vires act, on
67 the part of such member, teacher or other employee while acting in the
68 discharge of his duties. In the event such member, teacher or other
69 employee has a judgment entered against him for a malicious, wanton
70 or wilful act in a court of law, such board of education or charter
71 school shall be reimbursed by such member, teacher or other employee
72 for expenses it incurred in providing such defense and shall not be
73 held liable to such member, teacher or other employee for any financial
74 loss or expense resulting from such act.

75 (c) Legal fees and costs incurred as a result of the retention, by a
76 member of the State Board of Education, the Board of Regents for
77 Higher Education or the board of trustees of any state institution or by
78 a teacher or other employee of any of them or any member of the
79 supervisory or administrative staff of any of them, or by a teacher
80 employed by any other state agency, of an attorney to represent his or
81 her interests shall be borne by said State Board of Education, Board of
82 Regents for Higher Education, board of trustees of such state

83 institution or such state agency employing such teacher, other
 84 employee or supervisory or administrative staff member, as the case
 85 may be, only in those cases wherein the Attorney General, in writing,
 86 has stated that the interests of said board, Board of Regents for Higher
 87 Education, board of trustees or state agency differ from the interests of
 88 such member, teacher or employee and has recommended that such
 89 member, teacher, other employee or staff member obtain the services
 90 of an attorney to represent his interests and such member, teacher or
 91 other employee is thereafter found not to have acted wantonly,
 92 recklessly or maliciously.

93 (d) Each board of education shall indemnify and hold harmless any
 94 person, as defined in section 1-79, who makes a gift of tangible
 95 property or properties to such board or a school under the jurisdiction
 96 of such board for instructional purposes. Any indemnification under
 97 this section shall be solely for any damages caused as a result of the
 98 use of such tangible property, provided there shall be no
 99 indemnification for any liability resulting from (1) intentional or wilful
 100 misconduct by the person providing such tangible property to such
 101 board, or (2) hidden defects in such tangible property that are known
 102 to and not disclosed by the person providing such tangible property to
 103 such board at the time the gift is made.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	July 1, 2013	10-235
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Statement of Purpose:

To indemnify any person who makes a donation of equipment or supplies to a local or regional board of education.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]